

**ZONING BOARD OF APPEALS  
MINUTES**

**AUGUST 2, 2004**

**PRESENT:** Robert Palozej, Alfred Francis, Mark Spurling and Alternates Robert Wambolt and Adam LaFleche

**ABSENT:** Kenneth Braga, Richard Cleary, Mary Cardin, and Alternate Joseph Snyder

**STAFF**

**PRESENT:** Rick Kalva, ZEO and Reanna Goodreau, Recording Secretary

**I. CALL TO ORDER:**

Commissioner Spurling called the Zoning Board of Appeals (ZBA) meeting to order at 7:00 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS: NONE**

**III. PUBLIC HEARINGS:**

1. #V200412—Ricci Builders, Inc. for a variance to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements: to reduce the front yard setback from 35 feet to 15 feet and increase building coverage from 20% to 30% for a new single family home on property located on Pine Street, APN 169-005-0000 in a RA Zone.

**TIME:** 7:02 PM

**SEATED:** R. Palozej, A. Francis, M. Spurling, R. Wambolt, and A. LaFleche

Mark Hoffman, surveyor for the applicant, came forward to review the proposal. He stated that the lot is approximately 7,000 square feet and that the proposed home is approximately 2100 square feet and is 21' x 40'. Mr. Hoffman centered the house on the lot in order to alleviate the number of variance requests. He explained that although the house is 20' from the front property line, the steps encroach within 15' of the front property line. Mr. Hoffman explained that the building coverage is actually 28%, but including the hatchway, it is closer to 30%.

**MOVED (PALOZEJ), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200412—RICCI BUILDERS, INC.**

M. Spurling asked why the house couldn't be moved back from the front property line. Mr. Hoffman explained that the property rises in the back and could cause grading issues. He also noted that they would like a bigger back yard. He also noted that the variances requested are similar to the abutting property. M. Hoffman agreed to move the house back 2'.

R. Wambolt believes that the hardship is self created by the owner wanting to build a larger home. He believes that the size of the home should be more proportionate to the lot. R. Palozej does not take issue with the requests and stated that they can't expect people to build smaller homes.

M. Spurling and R. Wambolt expressed their concern with the building coverage.

**MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATION #V200412– RICCI BUILDERS INC. FOR A FRONT YARD SETBACK FROM 35 FEET TO 17 FEET.**

**MOVED (PALOZEJ), SECONDED (FRANCIS) AND FAILED (AYES: FRANCIS, LAFLECHE, & PALOZEJ) (NAYES: SPURLING & WAMBOLT) #V200412– RICCI BUILDERS INC. FOR BUILDING COVERAGE FROM 20% TO 30%.**

M. Spurling suggested that Mr. Hoffman come back with a proposal that was less than 30% for building coverage. Mr. Hoffman stated that the building coverage is actually 28%, but he increased for the possibility to include a shed or other structure at a later time. He asked if the commission could approve it at a lower percentage.

**MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE #V200412– RICCI BUILDERS INC. FOR BUILDING COVERAGE FROM 20% TO 25%.**

#### **HARDSHIP: LOT SIZE**

2. #V200413—Matt Krueger for variances to the Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements; Section 5.3g(1)(a) Additional Yard Requirements; Section 5.3c(1) Construction in Required Yards: to construct an 8 foot privacy fence in the front yard setback (Pinney Street) 17 feet from the property line on property located at 6 Allen Ridge Drive, APN 026-002-0001 in an AA Zone.

**TIME:** 7:22 PM

**SEATED:** R. Palozej, A. Francis, M. Spurling, R. Wambolt, and A. LaFleche

Matt Krueger, homeowner, came forward to explain his request. He stated that he would be extending the fence line from the abutting property and that he is using the same fence contractor in order to maintain the same look. Mr. Krueger explained that the fence would be located on an existing berm and that it would be located between the existing trees.

The commissioners noted that similar variances have been granted in the past.

**MOVED (SPURLING), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200413 – MATT KRUEGER.**

**MOVED (PALOZEJ), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE #V200413– MATT KRUEGER.**

**HARDSHIP: LOT CONFIGURATION BEING A THROUGH LOT WITH BACK YARD RECOGNIZED AS FRONT YARD, INCREASED SETBACK REQUIREMENT BEING LOCATED ON A STATE ROAD, & SAFETY CONSIDERATIONS.**

3. #V200414—Ron & Darlene Hull for a use variance to Ellington Zoning Regulations, Section 4.8a(1) PC Planned Commercial Zone—Permitted Uses: to construct a deck, sunroom, and family room with crawl space on property located at 23 Tomoka Avenue, APN 063-004-0000 in an AA Zone.

**TIME:** 7:28 PM

**SEATED:** R. Palozej, A. Francis, M. Spurling, R. Wambolt, and A. LaFleche

Ron Hull, homeowner, came forward to explain the request. He stated that he purchased the home in 2001 and had planned to add a deck and family room addition. The zoning regulations changed in 2002 to exclude residential from the PC-Zone, which included expansion of existing homes.

**MOVED (SPURLING), SECONDED (LAFLECHE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200414 – RON & DARLENE HULL.**

**MOVED (SPURLING), SECONDED (PALOZEJ) AND PASSED APPROVE #V200414– RON & DARLENE HULL.**

**HARDSHIP: CHANGE IN ZONING REGULATIONS TO EXCLUDE RESIDENTIAL USES IN THE PC ZONE AFTER HOME WAS BUILT.**

4. #V200415—Cumberland Farms, Inc. for variances to Ellington Zoning Regulations, Section 5.3(g)(1)(a)&(b), Variations in Area & Yard Requirements/Additional Yard Requirements; Section 5.2 footnotes 1 & 6, Footnotes to Area & Yard Requirements Schedule; Section 7.7d5(a) &(c), Minimum Parking & Loading Space Requirements/Location of Parking Facilities; Section 7.7b(5)(a) & (b), Signs/Attached Signs Permitted in C, PC, I, & IP Zones; Section 7.7b(6)(a)(2) & (3), Signs/Detached Signs Permitted in C, PC, I, & IP Zones: to reduce front yard setback along Wapping Wood Road from 52.25 feet to 51.3 feet for a convenience store and from 52.25 feet to 18.6 feet for a gas canopy and to reduce front yard setback along Windsorville Road from 47.25 feet to 22.7 feet for a gas canopy; to reduce side yard setback from 50 feet to 33.8 feet and to reduce side yard setback from 50 feet to 30.7 feet for a convenience store; to reduce setback from parking to a structure from 20 feet to 7 feet; to reduce

parking setback from front property line from 30 feet to 18.6 feet along Wapping Wood Road and reduce parking setback from 30 feet to 18.9 feet along Windsorville Road; to increase attached signage from 2 signs to 3 signs and to increase the total of sign area for all three signs from 93 square feet to 100.8 square feet; to increase sign area for a detached sign to 48 square feet and increase height to 18 feet for construction of detached sign in conjunction with a convenience store and gas station on property located at 5 Wapping Wood Road, APN 026-009-0000 in a C Zone.

**TIME:** 7:38 PM

**SEATED:** R. Palozej, A. Francis, M. Spurling, R. Wambolt, and A. LaFleche

Attorney Marvin Bellis, counsel for the applicant, came forward to review the proposal. He explained that the lot predates zoning regulations. Attorney Bellis noted that variances were granted to the existing store for the canopy. He stated that they will be demolishing the existing store, canopy, and home. He explained that the lot is uniquely affected because it is a triangular lot with streets on two sides and being fronted at the Five Corners. He then reviewed the requested variances.

Steve DiCorsi, project engineer, explained the existing site conditions, which include a 1,400 square foot convenience store, 4 gas dispensers with a canopy, 3 underground fuel tanks, and a residence. The proposal is for a 4,200 square foot store, 8 gas dispensers with a canopy, and a total of 4 underground fuel tanks. He reviewed the variance requests in detail.

Attorney Bellis explained that new structures are required to have restrooms and must be handicapped accessible. He noted that the changes will reduce the parking non-conformities.

The commissioners expressed concern with the number of ingress and egresses. They also noted that if the number of pumps were reduced, the amount of a setback reduction would be lessened.

The commission recessed from 8:20 p.m. to 8:30 p.m.

Mark Mertucci, traffic engineer, gave a brief presentation regarding the traffic study. He explained that there could only be a 2% increase in traffic at the Five Corners.

Jason & Amy Belval, abutter at 9 Wapping Wood Road, Mr. LaChance abutter on Windsorville Road, and Dennis Frawley voiced opposition to this project. Their concerns included traffic and safety, lighting, fumes from the gas pumps, and the buffer between the store and the residential properties.

M. Spurling suggested continuing the hearing so that a full board may vote on the matter. Attorney Bellis agreed and stated that it will give them time to review the additional comments to respond.

**MOVED (WAMBOLT), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING FOR #V200415 – CUMBERLAND FARMS, INC. TO THE SEPTEMBER 13, 2004 MEETING.**

5. #V200416—Dzen Brothers, Inc. for variances to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule; Section 7.7d5(c) Minimum Parking & Loading Space Requirements/Location of Parking Facilities; Section 7.7d6(a) Minimum Parking & Loading Space Requirements/Surface & Drainage: to reduce front yard setback from 100 feet to 90 feet to construct a farm stand, to reduce parking setback from the front property line from 50 feet to 18 feet, and to allow a gravel surface treatment of parking, loading, & access roadway areas for use with a farm stand on properties located at 187 Windsorville Road & 8 Pinney Street, APN 009-041-0000 & 009-042-0000 in a PC Zone.

**TIME:** 9:08 PM

**SEATED:** R. Palozej, A. Francis, M. Spurling, R. Wambolt, and A. LaFleche

**MOVED (PALOZEJ), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO TABLE THE PUBLIC HEARING FOR #V200416 – DZEN BROTHERS, INC. TO THE SEPTEMBER 13, 2004 MEETING PER THE REQUEST OF THE APPLICANT’S ENGINEER IN LETTER DATED JULY 21, 2004.**

**IV. UNFINISHED BUSINESS: (NONE)**

**V. NEW BUSINESS: (NONE)**

**VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the July 12, 2004 meeting minutes.

**TABLED TO THE SEPTEMBER 13, 2004 MEETING.**

2. Correspondence:
  - a. Letter to Dennis Milanovich & BOS from Matt Davis, dated 7/21/04.
  - b. Letter to Rob Pugliese from Richard Kalva, dated 7/23/04.

Rick Kalva gave an update on the 1 Dogwood Lane shed issue.

**VII. ADJOURNMENT:**

**MOVED (PALOZEJ) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO ADJOURN  
THE MEETING AT 9:15 PM.**

Respectfully Submitted,

Reanna Goodreau  
Recording Secretary